

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INTERNATIONAL MEDICAL GROUP,)
INC.,)
)
Plaintiff,)
)
v.) CASE NO. 1:08-cv-00923-JMS-TAB
)
PAUL WALKER and)
ESSENTIAL HEALTH LTD.,)
)
Defendants.)

ORDER ON JANUARY 11, 2011, TELEPHONIC CONFERENCE

The parties appeared telephonically by counsel on January 11, 2011, regarding their disagreement concerning the location of the depositions of Defendants Paul Walker and Essential Health, Ltd. Plaintiff International Medical Group, Inc. requested that the Defendants appear in Indianapolis for their depositions, and Defendants objected. The parties agreed that *Delphi Automotive Systems, LLC v. Shinwa Intern. Holdings LTD*, 2008 WL 2906965 (S.D. Ind. 2008), sets forth the appropriate factors for the Court to consider in resolving a dispute regarding the location for the deposition of a foreign party.

After hearing argument from counsel, the Court concludes that under the circumstances of this case the depositions should be held in Indianapolis. Given the history of this case, the Court's ability to intervene effectively in the event a dispute arises during the depositions weighs heavily in favor of requiring the Defendants to travel to the United States. IMG's agreement to pay Defendant Walker's reasonable airfare and lodging costs also weighs significantly in favor

of IMG's request. That counsel for the parties are located in the United States, and that fewer persons will travel if the depositions are held here, further support the Court's conclusion. The Court also considered whether Defendants typically engage in business travel. This factor weighs slightly in favor of Defendants, in that Walker travels for business but not to the United States.

Taking all of the relevant factors into consideration, the Court concludes that Indianapolis is the forum that is most convenient to all parties and the one that best serves the general interests of judicial economy.

Accordingly, Defendants Paul Walker and Essential Health, Ltd. must appear in Indianapolis, Indiana for their depositions in this matter. In the event the parties are unable to reach agreement on a location in Indianapolis, the depositions will take place in the Magistrate Judge's courtroom. Counsel are directed to contact chambers to schedule the depositions in the courtroom if they are unable to agree on another location.

Dated: 01/12/2011

7.13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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